

DAVIS WRIGHT TREMAINE LLP

THOMAS R. BURKE (State Bar No. 141930)  
DAVIS WRIGHT TREMAINE LLP  
505 Montgomery Street, Suite 800  
San Francisco, California 94111  
Telephone: (415) 276-6500  
Facsimile: (415) 276-6599  
Email: thomasburke@dwt.com

ROBERT E. MILLER (WA State Bar No. 46507)  
DAVIS WRIGHT TREMAINE LLP  
777 108<sup>th</sup> Avenue, Suite 2300  
Bellevue, Washington 98004  
Telephone: (425) 646-6100  
Facsimile: (425) 646-6199  
Email: robertmiller@dwt.com

(Additional Counsel on following page)

Attorneys for Plaintiffs

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

LAWYERS' COMMITTEE FOR CIVIL  
RIGHTS OF THE SAN FRANCISCO BAY  
AREA, a California non-profit corporation;  
CENTRAL AMERICAN RESOURCE CENTER,  
a California non-profit corporation; CENTER  
FOR GENDER & REFUGEE STUDIES, a  
California non-profit corporation; DOLORES  
STREET COMMUNITY SERVICES, a  
California non-profit corporation; JUSTICE &  
DIVERSITY CENTER OF THE BAR  
ASSOCIATION OF SAN FRANCISCO, a  
California non-profit corporation; LA RAZA  
COMMUNITY RESOURCE CENTER, a  
California non-profit corporation; LEGAL  
SERVICES FOR CHILDREN, a California non-  
profit corporation; PANGAEA LEGAL  
SERVICES, a California non-profit corporation;  
UNIVERSITY OF SAN FRANCISCO SCHOOL  
OF LAW IMMIGRATION & DEPORTATION  
DEFENSE CLINIC, a clinic within the non-profit  
university,

Plaintiffs,

v.

U.S. DEPARTMENT OF HOMELAND  
SECURITY, U.S. CITIZENSHIP AND  
IMMIGRATION SERVICES,

Defendants.

Case No. 3:19-cv-1343

**COMPLAINT FOR DECLARATORY AND  
INJUNCTIVE RELIEF FOR VIOLATION  
OF THE FREEDOM OF INFORMATION  
ACT, 5 U.S.C. § 552 et seq.**

DAVIS WRIGHT TREMAINE LLP

1 CHRISTINE LIN (CA State Bar No. 239266)  
2 CENTER FOR GENDER & REFUGEE STUDIES  
3 UC HASTINGS COLLEGE OF THE LAW  
200 McAllister Street  
San Francisco, California 94102  
Telephone: (415) 581-8821  
4 Facsimile: (415) 581-8824  
5 Email: linc@uchastings.edu

6 SARAH GAVIGAN (State Bar No. 294781)  
7 CENTRAL AMERICAN RESOURCE CENTER of NORTHERN CALIFORNIA  
3101 Mission Street, Suite 101  
San Francisco, California 94110  
8 Telephone: (415) 642-4407  
9 Facsimile: (415) 824-2367  
Email: Sarah@carecensf.org

10 JACQUELINE BROWN SCOTT (CA State Bar No. 238537)  
11 IMMIGRATION & DEPORTATION DEFENSE CLINIC  
12 UNIVERSITY OF SAN FRANCISCO SCHOOL OF LAW  
2130 Fulton Street  
San Francisco, California 94117-1080  
13 Telephone: (415) 422-3330  
14 Facsimile: (415)  
Email: jmbrown@usfca.edu  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

1 Plaintiffs LAWYERS' COMMITTEE FOR CIVIL RIGHTS OF THE SAN FRANCISCO  
 2 BAY AREA ("LCCR"), CENTRAL AMERICAN RESOURCE CENTER ("CARECEN"),  
 3 CENTER FOR GENDER & REFUGEE STUDIES ("CGRS"), DOLORES STREET  
 4 COMMUNITY SERVICES ("DSCS"), JUSTICE & DIVERSITY CENTER OF THE BAR  
 5 ASSOCIATION OF SAN FRANCISCO ("JDC"), LA RAZA COMMUNITY RESOURCE  
 6 CENTER ("La Raza"), LEGAL SERVICES FOR CHILDREN ("LSC"), PANGAEA LEGAL  
 7 SERVICES ("Pangea"), UNIVERSITY OF SAN FRANCISCO SCHOOL OF LAW  
 8 IMMIGRATION AND DEPORTATION DEFENSE CLINIC ("USF") (collectively, "Plaintiffs"),  
 9 by their undersigned attorneys, allege as follows:

### 10 INTRODUCTION

11 1. Plaintiffs bring this action under the Freedom of Information Act, 5 U.S.C. § 552  
 12 *et seq.*, as amended ("FOIA"), to enjoin the United States Department of Homeland Security,  
 13 U.S. Citizenship and Immigration Services ("USCIS") from continuing to improperly withhold  
 14 agency records that are responsive to FOIA requests made by Plaintiffs to USCIS via email  
 15 between October 11 and December 5, 2018, seeking documents regarding USCIS's use of  
 16 "gang indicators" in asylum determinations (the "Requests"), and to promptly disclose the  
 17 records sought by the Requests. USCIS is in violation of its duties under FOIA. Its months-  
 18 long delay is a constructive denial of Plaintiffs' FOIA Requests and is improper.

19 2. The Freedom of Information Act "focuses on the citizens' right to be informed  
 20 about 'what their government is up to,'" by requiring the release of "[o]fficial information that  
 21 sheds light on an agency's performance of its statutory duties." *DOJ v. Reporters Comm. for*  
 22 *Freedom of the Press*, 489 U.S. 749, 750, 773 (1989) (citation omitted). "[D]isclosure, not  
 23 secrecy, is the dominant objective" of FOIA. *Dep't of Interior v. Klamath Water Users*  
 24 *Protective Ass'n*, 532 U.S. 1, 8, (2001) (internal quotation marks and citations omitted).  
 25 Plaintiffs are immigration advocacy groups who, through FOIA, seek to shine a public light on  
 26 the operations of USCIS.

27 3. In recent years, the President and federal administration officials have made  
 28 numerous public statements implying that children and adults from Central America and Mexico,

1 who are fleeing violence and seeking protection in the United States, may be members of gangs  
 2 and organized crime. And while there has been no publically stated policy change from USCIS,  
 3 Plaintiffs and similar immigration advocacy groups across the country have documented an  
 4 increase in adversarial interrogation and investigation related to suspected gang membership in  
 5 asylum office adjudications, which are intended to be non-adversarial proceedings. This practice  
 6 extends to cases which raise no gang-related issues other than that the applicant is from Mexico  
 7 or Central America. Plaintiffs have obtained documents (not through FOIA) confirming USCIS  
 8 relies on certain “gang indicators”—facts or factors allegedly relevant to suspected gang  
 9 affiliation—in making asylum determinations. Thus, Plaintiffs have reason to believe there has  
 10 been an undisclosed change in practice or policy within USCIS.

11 4. The New York Times has documented the detention and removal of high school  
 12 asylum seekers based on conduct allegedly indicating gang affiliation, such as wearing the color  
 13 blue, writing the telephone country code of one’s home country in a notebook, or “frequenting an  
 14 area notorious for gangs.” (See Hannah Dreier, *How a Crackdown on MS-13 Caught up Innocent*  
 15 *High School Students*, N.Y. Times, Dec. 27, 2018 (Attached as Exhibit A; available at  
 16 <https://www.nytimes.com/2018/12/27/magazine/ms13-deportation-ice.html>); Eli Hager, *Young*  
 17 *Migrants: Victims of Gangs or Members of Them*, N.Y. Times, May 1, 2018 (Attached as Exhibit  
 18 B; available at <https://www.nytimes.com/2018/05/01/us/immigration-minors-children.html>.)  
 19 The New York Times also documented federal agencies’ use of “gang databases” in immigration  
 20 cases. (See Dreier, *supra*)

21 5. USCIS, like any other government agency, may not avoid public scrutiny by  
 22 operating in secret. Citizens have the right to know whether USCIS’s process for identifying  
 23 suspect gang members—which may result in delay or denial of an asylum application and return  
 24 to deadly circumstances in an applicant’s home country—reflects misunderstanding, errors, or  
 25 discrimination. Disclosure of the requested records is critical to shed light on these operations  
 26 and ensure fair application of asylum procedures, as required by U.S. and international law.

**PARTIES**

6. Founded in 1968, the Lawyers' Committee for Civil Rights of the San Francisco Bay Area (LCCR) combines direct legal services, policy advocacy and impact litigation strategies to advance the rights of low-income immigrants, refugees, and communities of color. In addition to defending immigrants' civil rights, a cornerstone of LCCR's work is its Asylum Program, now entering its 36th year, which pairs low-income asylum seekers with mentored pro bono counsel who are trained and supported by LCCR in their representation of the individuals LCCR serves. Within the Asylum Program, LCCR represents unaccompanied children, adults, and families seeking relief before the Asylum Office and Executive Office for Immigration Review. Many LCCR clients have fled persecution in Central America and Mexico. LCCR uses the results of Freedom of Information Act (FOIA) requests in order to represent our clients. Notably, LCCR secured a key ruling and settlement in *Martins v. USCIS*, 3:13-cv-00591 (N.D. Cal. 2013), a Freedom of Information Act (FOIA) case securing the right of asylum applicants and their attorneys to access Asylum Officers' interview notes from their cases. In granting LCCR clients' preliminary injunction, the Court agreed that such notes are not exempt from disclosure under FOIA. USCIS subsequently agreed in a nationwide settlement to release Asylum Officers' notes in response to FOIA requests from asylum seekers and/or their counsel.

7. Founded in 1986 by Salvadorans fleeing the Salvadoran Civil War, Central American Resource Center (CARECEN) was founded to address the needs of Salvadorans and other Central Americans who fled the region amid the civil wars, political repression, and counter-insurgencies of the 1980s. Today CARECEN is a multi-faceted community organization that empowers and responds to the needs, rights, and aspirations of Latino, immigrant, and under-resourced families in the Bay Area, building community leadership to pursue equity and justice. CARECEN advocates for immigrant rights, juvenile justice, and Latino health rights. CARECEN is committed to strengthening cultural, social, and historical ties to Central America and countries of origin. CARECEN's social services include the: Immigration Legal Program, Family Wellness, Health Promotion, and Community Building. CARECEN's legal team represents numerous Central American youth in their asylum claims before the Asylum Office.

1           8.     The Center for Gender & Refugee Studies (CGRS), housed at the University of  
2 California Hastings College of the Law, works to protect the fundamental human rights of  
3 refugees—with a focus on women and children—through litigation, scholarship, expert  
4 consultations, and the development of policy recommendations. Attorneys at CGRS include  
5 authors of scholarly books and law review articles regarding asylum, experts who advise other  
6 attorneys representing asylum seekers, and practicing attorneys who represent asylum seekers  
7 throughout the United States. CGRS conducts multiple national trainings each year, including  
8 both in-person and web-based trainings, and has published comprehensive studies documenting  
9 the procedures and treatment of women and child asylum seekers in the United States. Its  
10 reports, studies, and policy briefs are made available via publication in law journals or by  
11 academic and/or trade press, via distribution to email list-serves and individuals, and/or on its  
12 public website. Each year, CGRS provides technical assistance in over a thousand cases of  
13 asylum seekers, including many women and children from Central America or Mexico who have  
14 recently arrived in the United States. Its assistance in these cases typically includes the  
15 dissemination of relevant materials compiled and/or produced by CGRS. CGRS will make  
16 widely available to the public information requested through this FOIA via its website and/or by  
17 other means discussed above.

18           9.     Dolores Street Community Services (DSCS) provides community outreach  
19 services and pro bono deportation defense to low-income immigrants. DSCS is a registered non-  
20 profit organization and an active participant in the San Francisco Immigrant Legal and Education  
21 Network (“SFILN”), which supports immigrants and disseminates information to the public  
22 through trainings and workshops as well as published educational and informational materials.  
23 DSCS represents numerous detained and formerly detained individuals who are seeking  
24 protection from persecution and torture in their countries of origin, including Mexico and Central  
25 America, many of whom are either subject to the Intensive Supervision Appearance Program or  
26 Alternatives to Detention. DSCS represents clients both in the Asylum Office and before the  
27 Immigration Court.

28

1           10. The Justice & Diversity Center of The Bar Association of San Francisco (JDC) is  
2 one of the largest and most distinguished legal services providers in San Francisco. The mission  
3 of JDC's Immigrant Legal Defense Program (ILDP) is to increase access to justice and protect  
4 the due process rights of low-income and unrepresented immigrants facing deportation. The  
5 JDC provides legal leadership, service coordination, legal training, technical assistance, and  
6 advocacy support for over 20 nonprofits serving immigrants in Northern California. JDC has  
7 also administered the Attorney of the Day Program at the San Francisco Immigration Court for  
8 over 30 years. Many of the immigrants that JDC serves through its various programs are asylum  
9 seekers from Central America and Mexico. The JDC shares its knowledge and expertise through  
10 trainings, practice materials, and other advocacy efforts.

11           11. La Raza Community Resource Center (LRCRC) is a bilingual, multi-service, non-  
12 profit organization dedicated to meeting the social service, immigration, educational, and  
13 leadership development needs of low-income families and individuals in the San Francisco Bay  
14 Area immigrant community. La Raza CRC provides immigration legal services and wide-  
15 ranging social services including a food pantry, clothing exchange, family counseling,  
16 educational workshops, support groups, and civics and history classes. All services are free or  
17 low-cost. The organization partners with local nonprofits to provide community legal clinics and  
18 information sessions and maintains an extensive referral network. La Raza CRC's legal program  
19 is focused on affirmative family-based immigration services and removal defense. This program  
20 strengthens community legal access by hosting a weekly walk-in attorney consultation day. La  
21 Raza CRC also hosts public informational forums to provide the local immigrant community  
22 with updates about immigration law, and provides legal staff for media inquiries and for other  
23 community organizations' public presentations. La Raza CRC has served the community for  
24 over 40 years. A major component of La Raza CRC's Immigration Program is legal  
25 representation of asylum-seekers at the Asylum Office and at the Immigration Court. Most such  
26 clients are from Central America and Mexico.

27           12. Founded in 1975 as a nonprofit organization, Legal Services for Children (LSC) is  
28 one of the first non-profit law firms in the country dedicated to advancing the rights of youth.



1 LSC's mission is to ensure that all children in the San Francisco Bay Area have an opportunity to  
 2 be raised in a safe and stable environment with equal access to the services they need to become  
 3 healthy and productive young adults. LSC's practice includes foster care, guardianship,  
 4 education and immigration cases.

5 13. Pangea Legal Services is a nonprofit organization that provides low-cost and free  
 6 legal services to low-income immigrants and asylum seekers at risk of deportation. Many of  
 7 Pangea's clients are adults and children seeking asylum from Mexico and Central America, some  
 8 of whom face allegations of gang affiliation. In addition to direct legal services, Pangea also  
 9 advocates on behalf of the immigrant community through policy advocacy, education, and legal  
 10 empowerment efforts. Pangea distributes a quarterly newsletter; has participated in national  
 11 webinars, conferences, and international human rights forums; and has been featured in reports  
 12 by Univision, Human Rights Watch, the Daily Law Journal, and The New Yorker.

13 14. The University of San Francisco School of Law Immigration and Deportation  
 14 Defense Clinic (USF Clinic) is one of the only clinics in the nation focused on representing  
 15 unaccompanied immigrant children in their immigration cases. It represents children from all  
 16 over California, who fall within the jurisdiction of the San Francisco Immigration Court, in their  
 17 asylum and special immigrant juvenile status cases. In addition to providing pro bono legal  
 18 services to children, it also represents other adults and families in Northern California who are in  
 19 removal proceedings. The Clinic's two-fold mission is to provide free legal services to  
 20 noncitizens in removal proceedings, with an emphasis on asylum, and to train law students to be  
 21 effective and ethical immigration lawyers in the area of defensive asylum cases.

22 15. USCIS is or is part of a federal agency within the meaning of 5 U.S.C. § 552(f).  
 23 Plaintiffs are informed and believe that USCIS has possession and control of the records sought  
 24 by the Request.

## 25 JURISDICTION

26 16. This Court has subject-matter jurisdiction over this action and personal  
 27 jurisdiction over the parties under 5 U.S.C. § 552(a)(4)(B), 5 U.S.C. §§ 701-706,  
 28 and 28 U.S.C. § 1331.



**VENUE**

17. Venue in the Northern District of California is proper under 5 U.S.C. § 552(a)(4)(B) as Plaintiffs include several organizations with principal places of business in San Francisco County, the Requests were made in San Francisco County, and the Requests seek national information but also information related specifically to the USCIS San Francisco Asylum Office. For the same reason, venue also is proper under 28 U.S.C. § 1391(e).

**FACTS**

18. Various non-profit organizations including Plaintiffs (“Requestors”) submitted two FOIA requests to USCIS. One request sought information related to the San Francisco Asylum Office (“San Francisco Request”), and the second sought information related to national procedures and policies (“National Request”).

**National Request**

19. Requestors sent the National Request by email on October 11, 2018 to USCIS, the Department of Homeland Security (“DHS”), and the DHS Office of Inspector General (“OIG”). The National Request sought access to and copies of the following records:

- A. Any and all policies, protocols, guidance, training materials, and communications by DHS regarding:
  - a. Which evidentiary facts or factors the Asylum Office should use as “gang indicators” to determine whether an asylum applicant has ties to, or is a member of, or is related in some way, to a gang or other organized criminal group in their countries of origin, in the United States, or in a third country.
  - b. Which evidentiary facts or factors the Asylum Office should use as “gang indicators” to determine whether an asylum applicant had past ties, memberships, or relationships to a gang or other organized criminal group in their countries of origin, in the United States, or in a third country.
  - c. How these gang indicators were selected or determined to be related to gang membership or participation.

- d. How officers are to analyze conflicting, incomplete or inconclusive evidence with respect to gang indicators.
- e. When and how asylum officers should question applicants or seek to collect information about gang indicators from applicants, and any written correspondence or requests for evidence that the Asylum Office may issue to applicants to collect such information.
- f. The legal relevance of such indicators to the Asylum Office's determination of whether an applicant is eligible for asylum or other form of protection in the United States as a legal matter.
- g. The legal relevance of such indicators to the Asylum Office's determination of whether an applicant is eligible for asylum or other form of protection in the United States in the exercise of discretion.
- h. The weight that officers must give to the presence or absence of any of these factors in determining whether an applicant is eligible for asylum as a legal matter or in the exercise of discretion.

B. Any and all policies, protocols, guidance, training materials, and communications used by DHS regarding gangs or organized crime in Central America and Mexico, or the presence and activities in the United States of Central American-affiliated or Mexican-affiliated gangs or organized crime, and how these groups and their activities should be analyzed as part of asylum claims.

C. Any and all policies, protocols, guidance, training materials, and communications used by DHS regarding the use of gang databases in the adjudication of asylum claims, including but not limited to which databases are to be used, when such databases are to be checked during the application process, the disclosure to the applicant of any information received, the reliability and weight to be given to information obtained by such databases, and how any information received from such databases is considered in the adjudication of the asylum claim.

20. Attached as Exhibit C is a true and correct copy of the San Francisco Request.

21. Requestors requested these records for the period between January 2017 and the date of the final response to the request. (*See* Exhibit C at 2.)

22. Requestors received an automatic reply email from USCIS on October 11, 2018.

23. On October 23, 2018, Requestors received a letter from DHS OIG, acknowledging receipt of the National Request and stating that it would refer the request to USCIS.

24. On November 7, 2018, Requestors received a letter from USCIS stating that the request referred to it from DJS OIG was a “duplicate” and would be closed out, while the request sent directly to USCIS “will be processed.”

25. On December 18, 2018, Requestors received a letter dated December 11, 2018 from USCIS, requesting a 10-day extension to the normal deadline of 20 days after receipt of a request for the agency to respond. However, the request had been pending for approximately 60 days.

26. Requestors have received no further correspondence from USCIS related to the National Request.

#### **San Francisco Request**

27. Requestors sent the San Francisco Request to USCIS by email on November 28, 2018, and to DHS and DHS OIG on December 5, 2018. The San Francisco Request sought access to and copies of the following records:

A. Any and all policies, protocols, guidance, training materials, and communications by DHS regarding:

a. Which evidentiary facts or factors the San Francisco Asylum Office should use or already uses as “gang indicators” to determine whether an asylum applicant has ties to, or is a member of, or is related in some way, to a gang or other organized criminal group in their countries of origin, in the United States, or in a third country.

b. Which evidentiary facts or factors the San Francisco Asylum Office should use as gang indicators to determine whether an asylum applicant had past ties,

memberships, or relationships to a gang or other organized criminal group in their countries of origin, in the United States, or in a third country.

- c. How these gang indicators were selected or determined to be related to gang membership or participation.
- d. How San Francisco officers are to analyze conflicting, incomplete or inconclusive evidence with respect to gang indicators.
- e. When and how San Francisco asylum officers should question applicants or seek to collect information about gang indicators from applicants, and any written correspondence or requests for evidence that the San Francisco Asylum Office may issue to applicants to collect such information.
- f. The legal relevance of such indicators to the San Francisco Asylum Office's determination of whether an applicant is eligible for asylum or other form of protection in the United States as a legal matter.
- g. The legal relevance of such indicators to the San Francisco Asylum Office's determination of whether an applicant is eligible for asylum or other form of protection in the United States in the exercise of discretion.
- h. The weight that San Francisco Asylum Office adjudicators must give to the presence or absence of any of these factors in determining whether an applicant is eligible for asylum as a legal matter or in the exercise of discretion.

B. Any and all policies, protocols, guidance, training materials, and communications used by the San Francisco Asylum Office regarding gangs or organized crime in Central America and Mexico, or the presence and activities in the United States of Central American-affiliated or Mexican-affiliated gangs or organized crime, and how these groups and their activities should be analyzed as part of asylum claims.

C. Any and all policies, protocols, guidance, training materials, and communications used by the San Francisco Asylum Office regarding the use of gang databases in the adjudication of asylum claims, including but not limited to which databases are to be used, when such databases are to be checked during the application process, the disclosure to the applicant

of any information received, the reliability and weight to be given to information obtained by such databases, and how any information received from such databases is considered in the adjudication of the asylum claim.

D. Any and all aggregate data compiled or collected regarding the cases in which gang indicators were used by the San Francisco Asylum Office, including but not limited to the total number of cases, the nationality of the applicants, the ages of the applicants, the procedural posture of the cases (e.g., affirmative asylum, credible fear interview, or reasonable fear interview), and any other categories used by the San Francisco Asylum Office in respect to compiling this data.

28. Attached as Exhibit D is a true and correct copy of the San Francisco Request.

29. Requestors requested these records for the period between January 2017 and the date of the final response to the request. (*See* Exhibit D at 2.)

30. Requestors noted that, while similar to the National Request, the San Francisco Request was separate and “should be considered independently.” (*See* Exhibit D at 1 n.1.)

31. Requestors received an automatic reply email from USCIS on November 28, 2018.

32. Requestors received no other response related to the San Francisco Request.

33. As of the filing of this Complaint, more than five months have elapsed since Requestors transmitted the National Request, and three three months have elapsed since USCIS requested a 10-day extension, which had already expired. Further, more than three months have elapsed since Requestors transmitted the San Francisco Request.

34. Because USCIS failed to comply with the 20-business-day time limit provision of FOIA, 5 U.S.C. § 552(a)(6)(A)(i), Plaintiffs are deemed to have exhausted their administrative remedies with respect to the Request under 5 U.S.C. § 552(a)(6)(C)(i).

### **FIRST CLAIM FOR RELIEF**

#### **(Violation of FOIA)**

35. Plaintiffs incorporate by reference the foregoing paragraphs of this Complaint as though fully set forth herein.

36. USCIS has a legal duty under FOIA to determine whether to comply with a request within 20 days after receiving the request, and also has a legal duty to immediately notify the requester of the agency's determination and the reasons therefor. Plaintiffs have a legal right under FOIA to obtain the agency records they sought in their Requests, and there exists no legal basis for USCIS's failure to make these records available.

37. USCIS's failure to make promptly available the records sought by the Requests violates FOIA, 5 U.S.C. § 552(a)(3)(A) and (a)(6)(A)(ii), and applicable regulations promulgated thereunder.

### PRAYER FOR RELIEF

WHEREFORE, Plaintiffs request the Court award them the following relief:

1. Declare that USCIS violated FOIA in its response to Plaintiff's FOIA Requests;
2. Order USCIS to immediately disclose the requested records to Plaintiffs and enter an injunction prohibiting USCIS from continuing to withhold the requested records;
3. Award USCIS its reasonable costs and attorney's fees;
4. Grant such further relief as the court may deem just and proper.

Dated: March 13, 2019

Respectfully submitted,

DAVIS WRIGHT TREMAINE LLP

By: /s/ Thomas R. Burke  
THOMAS R. BURKE

Attorneys for Plaintiffs